REMARKS

This is in response to the Office Action mailed on July 16, 2004. No claims are amended, added or canceled herein. Claims 1-45 remain pending in this application.

Amendments to the Specification

The paragraph beginning on page 1 line 9 is amended to correct typographical error. The paragraph beginning on page 16 line 26 is amended to remove the reference to and the incorporation by reference of the following applications: "Portable Navigation Device with Integrated GPS and Dead Reckoning Capabilities" (US Serial No. 10/184,844 filed June 28, 2002) and "Systems and Methods With Integrated GPS and Dead Reckoning Capabilities" (US Serial No. 10/184,373 filed June 28, 2002). These applications were after the February 8, 2002 filing date of the present application.

Applicant respectfully requests consideration of the amendments, and further requests express approval of these amendments in the next action.

Objection to Specification

The specification was objected to because section headings appear underlined and in lower-case format. Applicant respectfully traverses. The office action recites 37 CFR 1.77(b) and portions of MPEP 601 with respect to the arrangement of the specification. Applicant respectfully submits that these are guidelines suggested for the applicant's use illustrating the preferred layout, and further submits that the guidelines are not requirements. The language recited in paragraph 2 of the office action refers to "guidelines" to "illustrate the preferred layout" "suggested for the applicant's use." Furthermore, the term "should" does not indicate that the suggested guidelines are mandatory. Thus, since these guidelines are not requirements, Applicant respectfully requests withdrawal of the objection to the specification.

Information Disclosure Statement

Applicant submits a Supplemental Information Disclosure Statement and a 1449 Form with this Response. Applicant respectfully requests that an initialed copy of the 1449 Form be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

§102 Rejection of the Claims

Claims 1-45 were rejected under 35 USC § 102(e) as being anticipated by Ran (US 6,317,686). Applicant respectfully traverses for at least the following reasons.

The rejection includes the language of the claims, and further includes references to Ran in parentheses after portions of the claim language. Thus, the rejection appears to assert that the claim language is found in the portion of Ran cited in parentheses. However, Applicant respectfully submits that the rejection does not clearly identify and apply the language/features in the cited portions of Ran against the language of the claims. For example, it is unclear from the language of the rejection what in Ran is being considered to be a "track log."

Should the Examiner choose to maintain the rejection, Applicant respectfully requests the Examiner to clearly state the reasons for the rejection, and provide such information or references as may be useful in aiding Applicant to judge the propriety of continuing in the prosecution. (*See* 37 CFR §1.104(a)(2)). Specifically, Applicant respectfully requests the Examiner to specifically identify what is being considered to be a track log in Ran.

As identified on page 1 in the specification of the present application:

> *Track logs are used in navigational aid devices to provide an indication of where the device has been. One description of a track log is an array of points used to track a location of the navigational aid device. Track logs may be visualized as a trail of electronic bread crumbs, where each bread crumb is a track log point that identifies the time and position of the device.*

Ran appears to be related to predicting travel time (Abstract). Applicant is unable to find, among other things, in the cited portions of Ran, either a showing or a fair suggestion of a track log that provides an indication of where the device has been. Additionally, Applicant performed

an electronic search of the text of Ran, and was unable to find an occurrence of the term "track log" or "log."

Claim 1

As provided above, Applicant is unable to find, among other things, in the cited portions of Ran, a track log. Furthermore, Applicant is unable find a showing or fair suggestion of a method where a desired first endpoint and a desired second endpoint for a desired track log is specified, an actual first endpoint for the track log is assigned based on the desired first endpoint and a set of track log points, an actual second endpoint is assigned for the track log based on the desired second endpoint and the set of track log points, and the desired track log is identified using the actual first endpoint, the actual second endpoint and at least one track log point, and where at least one of the desired first endpoint and the desired second endpoint is capable of being specified by specifying a location, as recited in independent claim 1. Thus, independent claim 1 is believed to be in condition for allowance. Claims 2-9 depend, either directly or indirectly on independent claim 1, and are believed to be in condition for allowance at least for the reasons provided with respect to independent claim 1.

Claim 10

As provided above, Applicant is unable to find, among other things, in the cited portions of Ran, a track log. Furthermore, Applicant is unable find a showing or fair suggestion of a method for selecting a track log from a set of track log points, where a method for specifying a time of at least one track log endpoint is selected from a choice among a method for specifying a location and extracting a time from the specified location and at least one other method for specifying the time of at least one track log endpoint, where desired endpoints are specified for a desired track log using one or more of the selected methods for specifying a time of at least one track log endpoint, where actual endpoints are assigned for the track log based on a time for the desired endpoints and a set of track log points, and where the desired track log is identified using the actual endpoints and at least one track log point from the set of track log points, as recited in independent claim 10. Thus, independent claim 10 is believed to be in condition for allowance.

Claims 11-13 depend on independent claim 10, and are believed to be in condition for allowance at least for the reasons provided with respect to independent claim 10.

Claim 14

As provided above, Applicant is unable to find, among other things, in the cited portions of Ran, a track log. Furthermore, Applicant is unable find a showing or fair suggestion of a computer-readable medium having computer-executable instructions adapted to receive desired endpoints for a desired track log, assign actual endpoints for the track log based on the desired endpoints and a set of track log points, and identify the desired track log using the actual endpoints and at least one track log point, as recited in independent claim 14, where at least one of the desired endpoints is capable of being specified by location. Thus, independent claim 14 is believed to be in condition for allowance. Claims 15-21 depend on independent claim 14, and are believed to be in condition for allowance at least for the reasons provided with respect to independent claim 14.

Claim 22

As provided above, Applicant is unable to find, among other things, in the cited portions of Ran, a track log. Furthermore, Applicant is unable find a showing or fair suggestion of a navigational aid device, comprising a processor and a memory adapted to communicate to the processor, where the memory includes a set of track log points, the device is adapted to select a desired track log based on a first user-specified desired endpoint and a second user-specified desired endpoint, and at least one of the first and second user-specified endpoints is capable of being selected by a user-specified location, as recited in independent claim 22. Thus, independent claim 22 is believed to be in condition for allowance. Claims 23-30 depend on independent claim 22, and are believed to be in condition for allowance at least for the reasons provided with respect to independent claim 22.

Claim 31

As provided above, Applicant is unable to find, among other things, in the cited portions of Ran, a track log. Furthermore, Applicant is unable find a showing or fair suggestion of a

navigational aid device, comprising a processor and a memory adapted to communicate to the processor, where the memory includes a set of track log points, and where the device is adapted to determine a user-selected method for specifying a time of at least one track log endpoint from a choice among a method for specifying a location and extracting a time from the specified location and at least one other method for specifying the time of at least one track log end point, receive user-specified desired endpoints for a desired track log using one or more of the methods for specifying a time of at least one track log endpoint, assign actual endpoints for the track log based on a time for the desired endpoints and a set of track log points, and identify the desired track log using the actual endpoints and at least one track log point from the set of track log points, as recited in independent claim 31. Thus, independent claim 31 is believed to be in condition for allowance. Claims 32-38 depend on independent claim 31, and are believed to be in condition for allowance at least for the reasons provided with respect to independent claim 31.
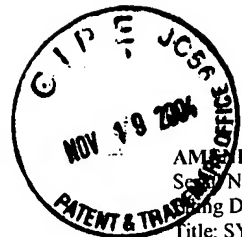
Claim 39

As provided above, Applicant is unable to find, among other things, in the cited portions of Ran, a track log. Furthermore, Applicant is unable find a showing or fair suggestion of a system, comprising a mass data storage adapted to store navigation data, including at least one set of travel log points, a server adapted to communicate with the mass data storage, and a navigational aid device adapted to communicate with the server via a communication channel such that the navigational aid device is capable of storing information on and retrieving information from the mass data storage, where the device is adapted to be transported, and the system is adapted to receive desired endpoints for a desired track log, assign actual endpoints for the track log based on the desired endpoints and a set of track log points, and identify the desired track log using the actual endpoints and at least one track log point, and where at least one of the desired endpoints is capable of being specified by location, as recited in independent claim 39. Thus, independent claim 39 is believed to be in condition for allowance. Claims 40-45 depend on independent claim 39, and are believed to be in condition for allowance at least for the reasons provided with respect to independent claim 39.

Reservation of Rights

Applicant maintains its right to swear behind any references relied upon for a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the documents are prior art.

In the interest of brevity, Applicant has not addressed every assertion contained in the office action, but rather has concentrated on traversing a prima facie case of anticipation. If an assertion has not been specifically addressed in this response, Applicant respectfully submits that it should not be taken as an admission. Applicant reserves the right to traverse the assertions not specifically addressed in this response.

AM[ ]DMENT AND RESPONSE UNDER 37 CFR § 1.111
S[ ]Number: 10/071,560
[ ]g Date: February 8, 2002
Title: SYSTEMS AND METHODS FOR TRACK LOG SELECTION

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Dkt: 1528.035US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and

notification to that effect is earnestly requested. The Examiner is invited to telephone

Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account

No. 19-0743.
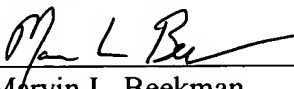
Respectfully submitted,

MATTHEW C. BURCH
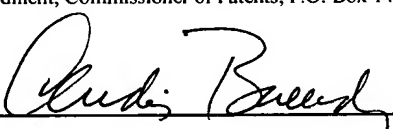
By his Representatives,

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Date *11-16-04* By _____

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